IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9691 of 2005

Between:

Sri Vijayalaskhmi Seeds, rep.by its Proprietor, Ch.Chinna Venkateswarlu, S/o. Anajaiah, Age:48 D.No. 3-146-3, Balajinagar, Kurnool .

..... PETITIONER

AND

1 The Govt., Andhra Pradesh,rep.by its Principal Secretarty, Agriculture and Cooperation (Marketing) Department, Secretariat, Hyderabad.
2. The Commissioner and Director of Marketing Burgula Rama Krishna Rao building, Near Tank Bund, Hyderabad.

3 The Director General, Vigilance & Enforcement, Govt., of A.P Burgula Rama Krishna Rao Building, Near Tank Bund, Hyderabad.
4 The Agricultural Market Committee rep.by the Secretary, Nandikotkur Post, Kurnool District(A.P)
5 The Agricultural Market Committee rep.by the Secretary, Kurnool -518003 (A.P)
6 The Agricultural Market Committee rep.by the Secretary, Nandyal, Kurnool District(A.P)
7 The Agricultural Market Committee rep.by the Secretary, Allagadda, Kurnool District(A.P)
8 The Agricultural Market Committee rep.by the Secretary, Koilkuntla, Kurnool District(A.P)
9 The Agricultural Market Committee rep.by the Secretary, Atmakur, Kurnool District(A.P)
10 The Agricultural Market Committee rep.by the Secretary, Dhone, Kurnool District(A.P)
11 The Agricultural Market Committee rep.by the Secretary, Yemmiganur, Kurnool District(A.P)
12 The Agricultural Market Committee rep.by the Secretary, Adoni, Kurnool District(A.P)
13 The Agricultural Market Committee rep.by the Secretary, Alur, Kurnool District(A.P)
14 The Agricultural Market Committee rep.by the Secretary,

Srikalahasti, Chittoor District(A.P)

15 The Agricultural Market Committee rep.by the Secretary, Mahabubnagar post &District(A.P)
16 The Agricultural Market Committee rep.by the Secretary, Alampur, Mahabubnagar District(A.P)
17 The Agricultural Market Committee rep.by the Secretary, Gadwel, Mahabubnagar District(A.P)
18 The Agricultural Market Committee rep.by the Secretary, Badepalli, Mahabubnagar District(A.P)
19 The Agricultural Market Committee rep.by the Secretary, Achampet, Mahabubnagar District(A.P)
20 The Agricultural Market Committee rep.by the Secretary, Wanaparthy, Mahabubnagar District(A.P)
21 The Agricultural Market Committee rep.by the Secretary, Kalvakurthy, Mahabubnagar District(A.P)
22 The Agricultural Market Committee rep.by the Secretary, Sattupally Khammam District(A.P)
23 The Agricultural Market Committee rep.by the Secretary, Chintalpudi, West Godavari District(A.P)
24 The Agricultural Market Committee rep.by the Secretary, Vijayawada, Krishna District(A.P)
25 The Agricultural Market Committee rep.by the Secretary, Kanchikacherla, Krishna District(A.P)
26 The Agricultural Market Committee rep.by the Secretary, Nandigama, Krishna District(A.P)
27 The Agricultural Market Committee rep.by the Secretary, Ongole, Prakasam District(A.P)
28 The Agricultural Market Committee rep.by the Secretary, Giddalur, Prakasam District(A.P)
29 The Agricultural Market Committee rep.by the Secretary, Kanigiri, Prakasam District(A.P)
30 The Agricultural Market Committee rep.by the Secretary, Naidupet, Nellore District(A.P)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in insisting to take license to pay the market fee on sale and purchase of Seeds as illegal and without jurisdiction and issue consequential direction prohibiting respondents from demanding to take license and the market fee on sale and purchase of all types of seeds for sowing purpose from the petitioner and pass such other order or orders.

Counsel for the Petitioner:MR.C.PRAKASH REDDY

Counsel for the Respondents 1 to 3: GP FOR AGRICULTURE

Counsel for the respondents 4 to 30:Mr.K.Madhava Reddy, Standing Counsel for Agricultural Marketing Committee.

The Court made the following :

ORDER

The present writ petition is covered by the judgment,

dated 08-02-2005, passed by this Court in W.P.No.13527 of 2004 & batch. Following the same, the writ petition is ordered, directing that,

a. Seeds developed and manufactured by the petitioners, and sold as certified or labeled seeds, are not subject to levy of market fee and the demand notices, if any, issued therefore are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

There shall be no order as to costs.

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27-04-2005.

Mjl/*

To,

1 The Principal Secretary, Government of Andhra Pradesh, Agriculture and Cooperation (Marketing) Department, Secretariat, Hyderabad.
2. The Commissioner and Director of Marketing Burgula Rama Krishna Rao building, Near Tank Bund, Hyderabad.

3. The Director General, Vigilance & Enforcement, Govt., of A.P Burgula Rama Krishna Rao Building, Near Tank Bund, Hyderabad.
4. The Secretary, Agricultural Market Committee Nandikotkur Post, Kurnool District(A.P)
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31. 2 CCS to G.P. for Agriculture, High Court Buildings, Hyderabad.

32. 2 CD copies.